

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAPONZA MONROE DALLAS,

Plaintiff,

v.

THE COUNTY OF MILWAUKEE
and DAVID CLARKE,

Defendants.

ORDER

16-cv-720-bbc

Pro se plaintiff Laponza Monroe Dallas is proceeding on a claim that defendants David Clarke and Milwaukee County are violating plaintiff's Eighth Amendment rights by failing to provide treatment for plaintiff's persistent vomiting. Several motions are now before the court: (1) plaintiff's "motion to supplement a new claim," dkt. #15; (2) plaintiff's "motion for emergency order pursuant to Federal Rule of Civil Procedure 35," dkt. #23; (3) defendants' motion to transfer the case to the Eastern District of Wisconsin, dkt. #28; (4) plaintiff's "motion to allow plaintiff to proceed on appeal under continued imminent danger of physical injury and to proceed under in forma pauperis," dkt. #30; (5) plaintiff's request for a legal loan, dkt. #34; and (6) defendants' motion to dismiss the case, dkt. ##36 and 41.

It makes sense to address the motion to transfer first. If the case should have been filed in a different district, then that court should have the opportunity in the first instance

to decide the substantive motions.

Defendants argue that the case should be transferred because all of the known parties reside in the Eastern District of Wisconsin, making venue appropriate there under 28 U.S.C. § 1391(b)(1), and the events giving rise to this case occurred in that district, making venue appropriate there under 28 U.S.C. § 1391(b)(2). For the same reasons, and because most witnesses and evidence likely are located in the Eastern District, defendants argue that transfer under 28 U.S.C. § 1404 is appropriate for the convenience of the parties and witnesses.

I agree with defendants that venue is not proper in this district. No known party resides in this district and none of the events relevant to the case occurred here. Because venue is proper in the Eastern District of Wisconsin, § 1391(b) requires that I transfer the case there.

ORDER

IT IS ORDERED that the motion to transfer filed by defendants David Clarke and Milwaukee County, dkt. #28, is GRANTED. The clerk of court is directed to transfer this case to the United States District Court for the Eastern District of Wisconsin.

Entered this 3d day of May, 2017.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge